

ANDOVER BOARD OF HEALTH

Minutes

April 12, 2010, 6 P.M.

1st Floor Conference Room

36 Bartlet Street

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

• **Regular Meeting of March 8, 2010**

Motion by Ms. Martin seconded by Ms. Kellman to approve the Minutes of the Meeting of March 8, 2010 with the following correction:

- On page 3, second paragraph, fifth sentence, change "...but do not check for underage *drinking*." to "...but do not check for underage *sale of alcohol*."

Unanimous approval.

III. Appointments & Hearings

- **6:00 p.m. – Atty. Michael Gerstein for 294 North Main Street (Continued Appeal)** – Mr. Carbone informed the Board that he received correspondence from Attorney Gerstein informing him that the tenant agreed to leave the dwelling by May 1, 2010, and that the Estate has agreed that the house will stay empty until the mold remediation is complete. Therefore, Mr. Carbone did not require Attorney Gerstein to appear before the Board.

Motion by Ms. Martin, seconded by Dr. Miller, to close the matter without taking any action other than requiring the owner to have an inspection conducted by this office prior to re-occupation. Unanimous approval.

- **6:15 p.m. – My Brothers Place – Status Update Hearing** – Mr. Charles Eliopoulos and his consultant, Ms. Michelle Cramm, were present. Mr. Carbone explained to the Board that, due to an oversight, this item was not on the March 8, 2010 Agenda. Ms. Cramm's last inspection report showed some improvement. Ms. Cramm informed the Board that Mr. Eliopoulos has done quite well, has posted a cleanup schedule, a closing checklist, and has worked diligently to keep food at the correct temperature by adjusting the food storage area. Mr. Carbone also noticed the improvements and spoke with the employees as well. Mr. Carbone recommended the Board continue the hearing for six months, require Mr. Eliopoulos to continue monthly inspections, and have him appear at the Board of Health Meeting in October for an update. Ms.

Cramm asked for clarification concerning Mr. Eliopoulos' ServeSafe Certification and asked if he should continue with training or get recertified. Mr. Carbone responded that he originally wanted Mr. Eliopoulos to become recertified, but believed that the actual hands-on training with Ms. Cramm would benefit him more, which proved to be true.

Motion by Ms. Martin, seconded by Dr. Miller, to continue the hearing to the October Board of Health Meeting, and, at that time, Mr. Eliopoulos will appear before the Board; also he will be required to continue with the monthly inspections. Unanimous approval.

IV. Discussion

- **Change of Date of May Board of Health Meeting and Dates of Meetings up to September, 2010** – The Board decided to change its May 3, 2010 Meeting to May 10, 2010 because Town Meeting is during that time. The Board also decided on the following dates for the next Board of Health Meetings: Monday, June 7, 2010, Monday, July 12, 2010, Monday, August 9, 2010, and Monday, September 13, 2010.

V. Old Business

- **Update on Salt Shed** – Ms. Martin asked if there was an update on the Salt Shed. Mr. Carbone informed the Board that there was still no update on this issue.
- **Update on Kirkland Drive** – Mr. Carbone informed the Board that there were no changes, but that he intended to revisit that issue in the near future.

VI. Definitive Subdivision Plans

- N/A

VII. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval

- **21 Fossen Way – LUA to allow a Sieve Analysis in Lieu of a Percolation Test; allow the Leaching Facility to be 3.5' from the high water table where 4' is required (not on Agenda)** – Mr. Carbone informed the Board that there was a lot of mold and water damage at this property due to a fire, so it was cheaper to raze the structure rather than fix the problems. The owners are planning to raze the building down to the foundation and build a new house and septic system. The existing structure was originally five bedrooms with an old system designed for four, and the porch was built over the septic tank. With the new system, the owners have increased the design to five bedrooms. This plan brings this as close to today's standards as possible with the LUA's. Mr. Carbone recommended approval.

Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to allow a sieve analysis in lieu of a percolation test; allow the leaching facility to be 3.5' from the high water table where 4' is required. Unanimous approval.

- **8 Samos Lane – LUA to Allow Sieve Analysis in Lieu of Percolation Test; Allow One Test Hole Where Two are Required (Ratify)** – Mr. Carbone explained that this was an emergency approval due to a backup into the house before the Board could approve the LUA's, so the Board was being asked to ratify the LUA's at this time.

Motion by Ms. Martin, seconded by Ms. Kellman, to ratify the LUA's to allow sieve analysis in lieu of percolation test; allow one test hole where two are required. Unanimous approval.

- **1 Seneca Circle – LUA to Allow SAS to be 3' Above Water Table, 5' Required** – Mr. Carbone informed the Board that this is currently a failed system. He explained that normally there is only a 1' difference for an LUA, but they are using a new alternative system called Presby. The Presby System has a large diameter pipe, and is corrugated with a filter around it to treat the waste product better. The new system avoids the use of a pump and won't need a lot of fill to bring the grade back up. There would be a larger negative impact on the yard if a traditional system was used. Also, there is a garbage grinder that will be required to be removed because the leach field was designed too small to accommodate the grinder. Mr. Carbone recommended approval with three conditions, as stated in the motion below.

Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to allow SAS to be 3' above water table, 5' required, with the following conditions:

- 1. The existing garbage grinder shall be removed, with proof of removal submitted to the Health Division.*
- 2. Prior to the issuance of a construction permit, the applicant must receive approval from the Massachusetts Department of Environmental Protection for the LUA.*
- 3. Prior to the issuance of a construction permit, the applicant must cause all approval letters and related documentation to be filed at the Registry of Deeds as required in the state's Presby approval.*

Unanimous approval.

- **23 Osgood Street – LUA to Allow SAS to be 3' Above Water Table, 4' Required** – Mr. Carbone explained to the Board that the plan was only a partial plan because information was missing. The Engineer has been notified to send in a revision and the homeowner also needs to file with the Conservation Commission because there are wetlands in the yard. Mr. Carbone recommended approval of the LUA because this is the best place due to the conditions. The permit will not be issued until a revised plan is received and approved by the Conservation and Health Divisions.

Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to allow SAS to be 3' above water table, 4' required. Unanimous approval.

- **11 Brentwood Circle – LUA to Allow SAS to be 3' Above Water Table, 4' Required; Allow One Test Hole where Two are Required** – Mr. Carbone explained to the Board that this property did not have a lot of room, so the best location was in the front of the property and he recommended approval of the LUA.

Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to allow SAS to be 3' above water table, 4' required; allow one test hole where two are required. Unanimous approval.

VII. Staff Reports

A. Director's Report:

- **Update on Internship Program-** Mr. Carbone informed the Board that he may have two students interested in coming to the Health Division to do Internships this spring. Mr. Carbone is waiting to hear from the internship program at the State. He also interviewed a student at the beginning of April who was interested in participating in a project, and another resident from Groveland whom he met at a Boston University Job Fair. Mr. Carbone has two projects in mind concerning Lyme Disease prevention and education, while the Groveland resident wants to work on a hoarding task force. Mr. Carbone would meet with the Interns one hour per week and would arrange the meetings around their schedules so they could spend time with all of the participating communities.
- **Public Health Week -** Mr. Carbone informed the Board that the talk about Lyme Disease and Diabetes went very well. There was good participation with the audience, and one person told about how hard it was to get a diagnosis, and because of the delay, this person had a bad time with the illness. Ms. Martel, Public Health Nurse, explained that not every treatment works for everybody, and not all doctors think of testing for Lyme Disease. She stressed how important being aware of the symptoms and being your own advocate is where your health is concerned. Dr. Miller stated that Lyme Disease mimics other diseases; therefore, Lyme Disease is very hard to diagnose. Also, one type of test can come back negative, while another type can come back positive.
- **Flu Summit After Action** – Mr. Carbone informed the Board that at the Flu Summit, the Massachusetts Health Officers Association (MHOA) received a Public Health Hero Award for its dedicated and effective work during the 2009 H1N1 Flu Pandemic. Mr. Carbone showed the award to the Board. At the Summit, they discussed what they felt worked and what didn't work, and how they thought they could improve the process in the future.

- **Fluoride Complaint (Not on Agenda)** – Mr. Carbone informed the Board that a man came to the counter and asked why the Town of Andover uses fluoride in the water and who authorized its use. Mr. Carbone stated that the Board of Health ordered fluoridation of the water sometime in the 1980's. He explained to the resident that the only way to stop the fluoridation would be to petition the Board of Health to rescind the original order. The resident stated that toothpaste and mouthwash now have fluoride in them, so there is no need for water to also. The Board responded that they could consider rescinding the order if there was clear research on the toxicity of fluoride, the monetary savings, and if the advantages have run its course. Before any decision could be made, there would have to be a Public Hearing. The Board asked Mr. Carbone to put this issue on the Agenda for the next Board of Health Meeting on May 10, 2010. Ms. Martin suggested checking resources at the state level. The Board was in agreement to discuss this issue further.
- **Update on Palmers Restaurant** - Mr. Carbone informed the Board that Palmers continues to work on improvement and an inspection was scheduled to be done this week.
- **Update on Peking Garden Inspection** – Mr. Carbone informed the Board that there was not a lot of improvement but things were not getting any worse.
- **Update on Yama Japanese Restaurant** – Mr. Carbone informed the Board that there has been a slight improvement, but was not confident that the business would continue to improve.
- **Update on Glory Restaurant** – Dr. Miller commented on the report of general uncleanliness. Mr. Carbone stated that that wasn't enough to initiate an Administrative Hearing.
- **Article on Public Health in the Sunday Eagle Tribune** – Mr. Carbone informed the Board that Andover and the surrounding communities are now going to be taking turns writing articles on a bi-monthly basis on public health issues. North Andover will be next with an article on summer camps, and Methuen will write about Lyme Disease and tick-borne illnesses.
- **Recreational Summer Camps** – Mr. Carbone informed the Board that preparation for camp season has started. Mr. Carbone explained that we license them so that we can make sure the camp has contingency plans in place such as when a child doesn't show up or if there is a medical emergency. For proper health care a Supervisor and Consultant, such as a doctor or medical professional, who have proper training and are knowledgeable about medicines, are required. Once someone uses the word "camp" in advertising, they have to be regulated as a camp, as opposed to a school program, which would not be considered a camp.
- **Important Dates:**

- **April 15th** – 6 p.m., Medical Reserve Corps After Action Review for Flu Response
- **April 28th and 29th** - Town Meeting
- **May 3rd – Board of Health Meeting** – Meeting rescheduled to May 10th due to Town Meeting.
- **May 3rd and 4th** – Town Meeting at Collins Center (if needed)
- **May 17th** – A Generation without Smallpox at the Public Health Museum in Tewksbury @ 2 p.m.

B. Nurses' Report for March, 2010 –The Nurses' Report was for informational purposes only.

C. Inspectors' Reports for March, 2010 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports

- **Request for Update on Animal Bylaws** – Mr. Carbone informed the Board that he has not been able to assemble a committee yet, but would be working on that soon.

IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Martin to adjourn at 6:58 p.m. Unanimous approval.